

OLLIE O. EVANS, JR.

JUNE 19, 1951.—Committed to the Committee of the Whole House and ordered
to be printed

Mr. BYRNE of New York, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany H. R. 2459]

The Committee on the Judiciary to whom was referred the bill (H. R. 2459) for the relief of Ollie O. Evans, Jr., having considered the same, report favorably thereon with amendment and recommend that the bill do pass.

The amendment is as follows:

Page 2, line 1, strike out "Federal Security Agency" and insert "Department of Labor."

The purpose of the proposed legislation is to merely waive sections 15 to 20, inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", in favor of Ollie O. Evans, Jr., to permit him to file his claim for disability alleged to have been caused by his employment as a member of the Civilian Conservation Corps, in Jones County, Miss., 1936, and permit his claim to be heard on its merits.

DEPARTMENT OF LABOR,
Washington, July 26, 1950.

HON. EMANUEL CELLER,

*Chairman, Committee on the Judiciary,
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: This letter is in response to your request of June 14, 1950, for a report on H. R. 8803, a bill for the relief of Ollie O. Evans, Jr.

The bill would provide "That sections 15 to 20, inclusive, of the [Federal Employees' Compensation Act], as amended (5 U. S. C. 765-769), are hereby waived in favor of Ollie O. Evans, Junior. [and claim] for compensation for disability allegedly caused by his employment as a member of the Civilian Conservation Corps, in Jones County, Mississippi in 1936. is authorized and directed to be considered and acted upon under the remaining provisions of such Act, as amended, if he files such claim with the Federal Security Agency (Bureau of Employees' Compensation) not later than six months after the date of enact-

ment of this Act. No benefits shall accrue by reason of the enactment of this Act for any period prior to the date of its enactment." (The words "and claim" shown above in brackets were probably inadvertently omitted in line 8, page 1, of the bill.)

The records of the Bureau of Employees' Compensation of this Department contain no information relative to disability incurred by Mr. Evans other than a letter dated September 30, 1946, from Hon. Will M. Whittington, M. C., who stated that Mr. Evans had informed him that he had suffered an attack of pneumonia while serving as a member of the Civilian Conservation Corps at a camp near Laurel, Miss., which left him "with a deep-seated bronchial infection." If the disability referred to in the bill H. R. 8803 should have resulted from disease, as may be inferred from the letter mentioned, waiver of the time limitations of the Compensation Act would be of little avail to Mr. Evans.

Members of the Civilian Conservation Corps were, by the act of June 28, 1937 (ch. 383, sec. 10, 50 Stat. 321; 16 U. S. C. 584i), provided limited workmen's compensation benefits under the provisions of the act of February 15, 1934 (ch. 13, sec. 1, 48 Stat. 351; 5 U. S. C. 796), as amended, which related to employees of the Federal Civil Works Administration. Under the 1934 act, compensation was limited to disability resulting from "traumatic injury," which was defined to mean only "injury by accident causing damage or harm to the physical structure of the body and shall not include a disease in any form except as it shall naturally result from the injury."

The bill contains no reference to the nature or the specific cause of the disability to which it relates, an omission which would make it difficult to place a proper limitation upon any relief sought under the bill. If, as above stated, the disability should have resulted from disease, waiver of the time limitations would not make it possible to consider the merits of the case, under the remaining provisions of the applicable act, since disability resulting from disease is not compensable under the act.

In view of the foregoing, I am unable to recommend the enactment of H. R. 8803.

This report is submitted by the United States Department of Labor in view of the fact that the Bureau of Employees' Compensation was transferred from the Federal Security Agency to this Department on May 24, 1950, by Reorganization Plan No. 19 of 1950.

The Bureau of the Budget advises that it has no objection to the submission of this report.

Very truly yours,

MAURICE J. TORIN,
Secretary of Labor.

STATE OF MISSISSIPPI,
County of Lauderdale, ss:

Personally appeared before me, the undersigned authority in and for said county and State within named, Ollie O. Evans, Jr., who being first by me duly sworn states under oath that he is the party named and suffers the physical conditions as stated in the attached documents and that he has suffered from acute bronchiectasis since his discharge from the Civilian Conservation Corps on May 31, 1936, said condition resulting from an attack of pneumonia suffered by me while a member of the Civilian Conservation Corps and which necessitated my being hospitalized in Laurel General Hospital, Laurel, Miss., on March 5, 1936. I further aver that this condition has existed since that time and still exists, as is evidenced by the accompanying documents by the various physicians who have administered treatment for this condition from that time up until the present date.

I further aver that because of this acute bronchial condition that I have not been able to keep regular employment because of my physical condition since January 1937 and have not been able to perform any work since March 1945, and at present I am unable to do any work as a result of my physical condition resulting from the attack of pneumonia.

I further aver that each and every statement in the above and foregoing is true and correct as therein stated.

OLLIE O. EVANS, JR., *Affiant.*

Sworn to and subscribed before me, this the 29th day of May 1950.

[SEAL]

C. D. SHIELDS,
Notary Public, County of Lauderdale, Miss.

My commission expires July 11, 1952.

INVERNESS, MISS.

Re Mr. Ollie O. Evans, formerly of Isola, Miss.

The above-named Mr. Ollie O. Evans, Jr., was examined and treated by me from August 2, 1941, to March 21, 1946. My records show I treated him August 21 and October 15, 1941; December 3 and December 9, 1942; January 23, February 24, March 4, October 19, and December 20, 1943; October 27, 1944; February 23 and September 1, 1945; March 21, 1946. I also examined and treated him many times for which I have no record.

When Mr. Evans first came to me for treatment, he gave the history of having had for several years a cough and, at intervals, fever, pain in chest, extreme weakness, poor appetite, and backache.

On examination, his temperature was 100; pulse, 110; blood pressure, 90 systolic and 60 diastolic; râles throughout lungs.

I advised X-ray examination and repeated sputum examinations to determine if tuberculosis could be the cause of his trouble, but was unable to obtain any definite evidence of a tubercular condition. The above symptoms would remit for a few weeks or months only to recur and with each attack or exacerbation the symptoms and findings on physical examination would be essentially the same; that is, the cough, chest pain, poor appetite, weakness, together with the rise of temperature, increased pulse rate, and râles throughout lungs. My final diagnosis was bronchiectasis.

Mr. Evans had repeated sputum examinations and X-ray of the chest; but, as far as I know none were reported as being positive evidence of tuberculosis.

I saw Mr. Evans last in 1947, and his condition had not materially changed, and he continued with the same condition existing as stated above.

The above statement is, to the best of my knowledge, true and correct.

S. D. NEWELL, M. D.

STATE OF MISSISSIPPI,

County of Sunflower, ss:

Sworn and subscribed to before me this the 29th day of April A. D. 1950.

[SEAL]

S. K. DAY, *Notary Public*.

My commission expires April 19, 1952.

NARRATIVE—HISTORY AND EXAMINATIONS ON MR. OLLIE O. EVANS, JR.

First visit was March 16, 1945, as O. O. Evans, Isola, Miss., aged 36, male, white, married, farmer.

At that time he gave a history of having had pneumonia in 1936 and had been unable to gain weight since—pain in legs and joints; fever; cough and expectoration; (about 1 cupful daily); no hemoptysis.

Physical examination: Chest, moderately coarse râles in right axilla and right base; moderately coarse râles in left axilla. His X-ray showed a definite increase in peribronchial markings throughout both lung fields. These peribronchial markings seemed to form circles of bronchiectatic dilatations. His sputum test was negative. Sedimentation rate was 22 millimeters in 1 hour; blood count, very mild anemia; urinalysis, negative. A tentative diagnosis of bronchiectasis was made at that time, and he was given an appointment to return for a bronchogram. He did not keep this appointment.

He was examined again January 8, 1948, stating that he had been acutely ill several times. Cough and expectoration continued. His X-ray still showed the bronchiectatic dilatations. He was given an appointment to return January 28, 1948. He did not keep this appointment.

He was admitted to the sanatorium as a patient March 20, 1949, and discharged June 15, 1949. He stated on admission that he was gradually getting worse. An X-ray made March 21, 1949, still showed the same dilatation. There appeared to be an emphysematous bleb or a cystic degeneration in the middle lung field on the right. A bronchogram made June 9, 1949, showed extensive saccular dilatation in the lower and middle lobes on the right and in the lingula on the left. The disease was too extensive for surgery. He was discharged as congenital cystic disease of the lung and bronchiectasis.

RAY H. BIGGS, M. D.

STATE OF MISSISSIPPI,

County of Simpson, ss:

Sworn to and subscribed before me, this 29th day of April 1950.

[SEAL]

HAROLD E. HALE, *Notary Public*.

My commission expires August 25, 1953.

REPORT OF X-RAY EXAMINATION

Name: Mr. O. O. Evans, A-8226.
Services of: Dr. John Archer.

JANUARY 20, 1944.

Sinuses.—Opacity of the left antrum. The other sinuses including the sphenoids are well aerated.

Flat abdomen.—The picture of the flat abdomen does not show any pathologic changes.

Intravenous pyelogram.—Fifteen minutes after the intravenous injection of diodrast there is a normal secretion in both kidneys. The pelves are small. Only a few calyces are visualized. Not much difference of the site of the kidneys in upright and in recumbent position. No signs of functional disturbance of the kidneys.

Chest.—The picture of the chest shows markedly increased infiltration in the medial third of both lower lobes, right more than left. No typical foci. No cavities. Slightly increased opacity in the left hilar area. The heart is normally shaped. The findings may be nonspecific (bronchiectasis?). A definite diagnosis is not yet possible. Lipiodol injection is desirable.

JANUARY 24, 1944.

Gallbladder.—Fourteen and fifteen hours after the administration of the dye the gallbladder is visualized, dropped, lying close by the third and fourth vertebral bodies, of equal density, without stones and slightly contracted on the second picture after a fatty meal. No signs of disease.

JANUARY 26, 1944.

Colon.—The barium enema runs normally until the ileo-cecal valve. The hepatic and splenic flexures and the transverse colon are dropped. There is some lack of haustration but no narrowing of the descending colon after the partial emptying of the enema. No constant irregularities of the walls. No certain signs of disease.

Stomach.—The stomach is in normal position and of medial tone. No irregularities of the walls, the peristalsis and ejection, the pylorus and the duodenal cap. One and one-half hours later there is a refund in the stomach, the small intestine filled. No signs of disease.

J. G. ARCHER, M. D.

BELZONI, MISS., May 1, 1950.

Mr. HENRY S. WOODALL,

Attorney at law, Post Office Box 11, Meridian, Miss.

DEAR SIR: I am sending to you in answer to your request all the information that can be obtained from the health department's files as to the condition of Mr. Ollie O. Evans for the past 13 years, since 1937.

The first X-ray and chest examination that he has on record here was March 11, 1937. The findings of the X-ray showed: The trunk markings near both cardiophrenic angles are increased, and there seems to be definite nontuberculosis infiltration in these areas that might account for the patient's cough. Nothing can be seen that suggests pulmonary tuberculosis. If the cough persists, modified bed rest is advised, and the patient should be reexamined in 6 months to 1 year. The diagnosis, therefore, is negative for tuberculosis. The classification is: Basal nontuberculosis infiltration. This film was read by Dr. D. L. Anderson.

The next examination, on September 20, 1939, showed heavy trunk markings extending outward from the root regions into both lungs. The diagnosis at this time is: Probably bronchiectasis. This film was also read by Dr. D. L. Anderson.

Then the next examination was February 22, 1947. The findings at this time was increased vascular markings with small annular shadows scattered throughout most of both lung fields. These findings are thought to represent numerous small cysts, but could however represent bronchiectasis. Tentative diagnosis is: Cystic lung disease. This film was read by Dr. C. C. Smith.

His sputum studies during all this time were negative.

He was not X-rayed again until December 16, 1948. He had before this X-ray ran a series of sputum examinations which showed one positive to two negative specimens. The X-ray at this time showed: "on the basis of the film, I would hazard a diagnosis of cystic lung disease. On the basis of the sputum, minimal tuberculosis, active." This film was made in Vicksburg, Warren County, Miss., and read by Dr. C. C. Smith.

He had no other X-rays here, but reports from the State Sanatorium showed that, after being admitted on March 20, 1949, he was diagnosed as bronchiectasis. Before he was dismissed from the sanatorium on June 15, 1949, Dr. Boswell gave the following diagnosis: "Cystic disease of the lungs, congenital; bronchiectasis too extensive for surgical treatment."

This is all the information the health department records show on him.

Sincerely yours,

DELORES ROBERTS.

BELZONI, MISS., May 1, 1950.

Mr. HENRY S. WOODALL,
Attorney at Law, Post Office Box 11, Meridian, Miss.

DEAR SIR: The attached statements are as nearly correct as it is possible for them to be according to the records that we have here on file on Mr. Ollie O. Evans

Sincerely yours,

J. W. BARKLEY, M. D.,
Director, Humphreys County Health Department.

STATE OF MISSISSIPPI,
County of Humphreys, ss:

Personally appeared before me the undersigned authority in and for said county and State, the within-named Dr. J. W. Barkley, who acknowledges that the attached statements are as nearly correct as it is possible for them to be according to the records of the Humphreys County Health Department on Ollie O. Evans.

Witness my signature this the 29th day of April 1950.

J. C. HIGDON,
Chancery Clerk.

[SEAL]

By HILDA SHAPERO,
Deputy Chancery Clerk.

My commission expires January 1, 1952.

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